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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/631,212	08/03/2000	Nicolas Vasquez	5150-44800	1157

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MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN, TX 78767-0398

EXAMINER

KHATRI, ANIL

ART UNIT

PAPER NUMBER

2124

DATE MAILED: 01/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/631,212

Applicant(s)

VASQUEZ ET AL.

Examiner

Anil Khatri

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-48 and 53-70 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 29-48 and 53-70 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 09/21/04
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____

Response to Amendment

1. This action is in response to the request for re-consideration filled on 9/21/04.
2. As per applicant's request claims 29-48 and 53-63 have been amended and new claims 64-70 have been entered.
3. As per applicant's request claims 29-48 and 53-70 have been considered but they are not persuasive.
4. Claims 29-, 30, 32-36, 39, 46-48, 53, 54, 57 and 58 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lindsey (U.S. Patent Number 5,675,801) in view of Donoho et al. (U.S. Patent Number 6,263,362) and further in view of Meyer (U.S. Patent Number 5,940,296), claim 31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lindsey (U.S. Patent Number 5,675,801) in view of Donoho et al. (U.S. Patent Number 6,263,362) and further in view of Fukushima et al (U.S. Patent Number 5,940,530), claim 40 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lindsey (U.S. Patent Number 5,675,801) in view of Donoho et al. (U.S. Patent Number 6,263,362) and further in view of Meyer (U.S. Patent Number 5,940,296) and Windows 98 for Dummies by Randy Rathbone (hereinafter Rathbone), claims 59 and 51 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lindsey (U.S. Patent Number 5,675,801) in view of Donoho et al. (U.S. Patent Number 6,263,362), claim 50 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lindsey (U.S. Patent Number 5,675,801) in view of view of Meyer (U.S. Patent Number 5,940,296) and in further view of Donoho et al. (U.S. Patent Number 6,263,362), claim 52 stand rejected under 35 U.S.C. 103(a) as

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being unpatentable over Lindsey (U.S. Patent Number 5,675,801) in view of Meyer (U.S. Patent Number 5,940,296), Donoho et al. (U.S. Patent Number 6,263,362) and Windows 98 for Dummies by Randy Rathbone (hereinafter Rathbone) and claims 37, 38, 41-45, 55, 56, 59-63 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lindsey (U.S. Patent Number 5,675,801) in view of Donoho et al. (U.S. Patent Number 6,263,362) and further in view of Meyer (U.S. Patent Number 5,940,296) and Amberg et al US Patent no. 5,995,757.

Applicant argues,

- I. "Displaying information indicating plurality of machine vision problems" and receiving user input selecting a machine vision from the plurality of machine vision problem" as to claim 29.
- II. "Concept of automatically creating a prototype based on user selection of machine vision problem".

In response to arguments,

- I. The cited prior art *Meyer* teaches that commands are received from the user of the computer system to select a first control program corresponding to a desired component of user interface and second control program corresponding to desired machine vision problem (see abstract and column 2, lines 31-67). Therefore examiner interprets that by *Meyer's* method user have an opportunity to interact with the system and choose different commands via GUI environment to visualize machine vision problems thru menu, which also displays different characteristics and enables user to interactively design, modify and explore operating characteristic as well. With the same token prior art allows user to develop software application for use in machine vision problem without writing a any code (see column 2, lines 35-57), therefore it depicts that this

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process is done automatically and a application or a prototype is developed for machine vision problem. Thus, items II and I are taught by cited art and claims stand rejected.

Regarding claim 63

Limitations cited in claim 63, further taught by Meyer, see figures 2 and 8, thus claim 63 is rejected.

Regarding claims 64-68 and 70

Limitations cited in claims 64-68 and 70, further taught by Meyer, (see figures 2-8, column 4, lines 15-23, and columns 7-8, lines 65-15, respectively), thus claims 64-68 and claim 70 are rejected.

Regarding claim 69

The rejection of claim 29 is incorporated and further claim 69 recites similar limitation as claim 29, therefore claim 69 is rejected under same rational as claim 29.

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil Khatri, Primary Examiner whose telephone number is 571-272-3725. The examiner can normally be reached on M-F 8:30-5:00 PM.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-3725.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ANIL KHATRI
PRIMARY EXAMINER